

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANTHONY MICHAEL GIOIOSA,

Plaintiff,

v.

PAROLE PARDONS APPLICATION,

Defendant.

Case No. 3:23-cv-00058-MMD-CSD

ORDER

Pro se Plaintiff Anthony Michael Gioiosa filed a document stating that he is a convicted felon and requesting to hire the Clark County interpreter for assistance with registering himself as a felon before being paroled back into the community. (ECF Nos. 1, 3.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 5), recommending that the Court dismiss this action and deny Plaintiff’s application to proceed *in forma pauperis* (“IFP”) (ECF No. 4) as moot. Plaintiff had until August 16, 2023, to file an objection. (ECF No. 5 at 2.) To date, Plaintiff has not filed an objection to the R&R. For this reason, and as explained below, the Court adopts the R&R, and will dismiss this action without prejudice and deny Plaintiff’s IFP application as moot.

Because there is no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”).

Here, Judge Deney recommends dismissing this action without prejudice because Plaintiff failed to file a timely complaint. (ECF No. 5.) Judge Denney warned Plaintiff that his request for assistance with registering as a felon is not a function of the court, and

1 that, if he intended to file a civil lawsuit, he was required to comply with the Court's order
2 to file a complaint and either pay the filing fee or submit a complete IFP application within
3 21 days to avoid the dismissal of this action. (ECF Nos. 3, 5.) Though Plaintiff filed an IFP
4 application, he never filed a complaint. (ECF No. 4.) The Court agrees with Judge
5 Denney. Having reviewed the R&R and the record in this case, the Court will adopt the
6 R&R in full.

7 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
8 No. 5) is accepted and adopted in full.

9 It is further ordered that this action is dismissed without prejudice.

10 It is further ordered that Plaintiff's IFP application (ECF No. 4) is denied as moot.

11 The Clerk of Court is directed to enter judgment accordingly and close this case.

12 DATED THIS 31st Day of August 2023.

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MIRANDA M. DU
16 CHIEF UNITED STATES DISTRICT JUDGE
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